

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s): Ruutu et al.
SERIAL NO.: 09/231,066 ART UNIT: 2683
FILING DATE: 1/14/1999 EXAMINER: Mehrpour,
Naghmeh
TITLE: CELLULAR RADIO POSITIONING
ATTORNEY
DOCKET NO.: 836-008422-US (PAR)

MAIL STOP APPEAL BRIEF
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Notice of Non-Compliant Appeal Brief

This is in response to the Notice mailed October 11, 2006. The Examiner states that the Appeal Brief is defective in that it does not comply with 37 CFR 41.37.

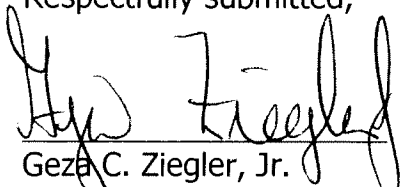
It is noted that this appeal brief was originally filed on December 11, 2003. Receipt of the originally filed Appeal Brief by the USPTO is evidenced by the Certificate of Mailing, the stamped postcard and the cancelled check. It is respectfully submitted that the relevant provisions of 37 CFR 41.37 were somewhat different in 2003 and this Appeal Brief is fully compliant with the rules in effect as of December 11, 2003. Thus, this notice of Non Compliance is unwarranted and should have not been issued.

It is also noted that the Examiner has marked every box on the Notice. This is confusing because the undersigned believes that, with the exception of the

headings, table of contents, summary and non-applicable appendices, most of the issues are properly addressed.

However, in an effort to move this process along and not cause any further unnecessary delays, the undersigned is complying with the request and has revised the Appeal Brief in accordance with the rules in effect today. A Substitute Appeal Brief is attached hereto, together with a marked-up version.

Respectfully submitted,


Geza C. Ziegler, Jr.
Reg. No. 44,004

13 Nov 2006
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop APPEAL BRIEF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 13 Nov. 2006

Signature: 

Jerza Winetfield
Name